

OCA FILE

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## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Guidelines for Contact with Congress

FROM:

Chief, Policy and Coordination Staff

EXTENSION

NO.

DATE

12 April 1988

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

C/EPS

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C/EPS

8 MAY 1988

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Please circulate among  
OCA officers.

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18 APR 1988

MEMORANDUM FOR: Director, Office of Congressional Affairs

FROM:

Chief, Policy and Coordination Staff

25X1

SUBJECT: Guidelines for Contact with Congress

REFERENCE: OCA 87-6153, Dated 23 December 1987

1. The guidelines on contact with Congress which your office recently published offer an excellent approach to solving a difficult problem. While providing concise and sound advice to Agency officers, these guidelines should also reassure our Congressional oversight committees that we intend to cooperate to the fullest extent.

2. There is one point of importance to the DO, however, which does not come across as clearly as we would have liked. The distinctions between analytical and operational information and between the responsibilities of analysts and operations officers under varying circumstances, I believe, should be addressed in more detail. As now presented, the issue may leave some briefers confused as to how to address operations-oriented questions or obtain approval to discuss DO-related information.

3. Briefers are often placed in the uncomfortable position of having to respond to pointed questions and demands for followup action, sometimes on issues outside their areas of expertise. Based on past experience, the DO is concerned that some analysts in this situation do not remember that they must refer questions concerning DO sources and methods via OCA to DO officers. DO officers often assist analysts in interpreting DO reporting by providing sensitive information on unilateral and liaison operations. Some briefers in the past have incorporated this type of information into their responses to Congressmen and staffers without seeking approval from, or even informing, the DO.

4. I suggest that the OCA officers who accompany briefers to the Hill supplement the OCA guidelines with additional information on the need to protect DO sources and methods. Specifically:

--briefers must not source information to human sources or liaison when briefing non-oversight committees or their staffs.

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--non-DO briefers may attribute information to human sources in oversight committee briefings but must refer requests for further details or evaluation of source reliability to the DO.

--non-DO briefers must not discuss foreign liaison relationships.

--the DDO or his designated representative must coordinate on and give final approval for requests to release DO raw intelligence reports to Congress.

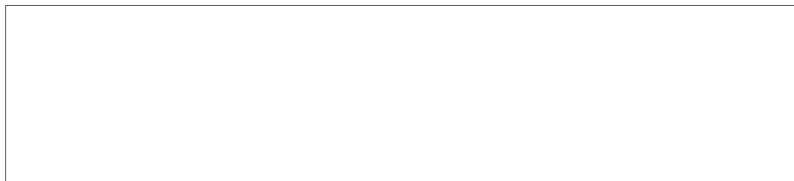
--DO-originated material in finished intelligence publications is automatically releasable only to the members of the oversight committees; permission for release to other committees or to staffers must be sought from the DO.

--release of DO material contained in typescripts and other limited-distribution publications, including to the oversight committees, must be cleared in advance with the DO.

--briefers should not describe or offer to provide specific publications or typescripts because of the need to clear release of DO information; they should promise only to review available information for that responsive to the Congressman's request.

5. Adherence to the OCA guidelines, and the additional instructions provided by OCA officers, should ensure that briefers properly protect DO sources and methods. In addition, briefers should be encouraged to refer questions by Congressmen and their staffs to the DO. A written response from the DO will provide the Congressmen more complete and accurate information on DO activities than the non-DO briefer can.

6. I hope that these suggestions will be helpful to your officers in preparing speakers for appearances on the Hill.



25X1

SUBJECT: Guidelines for Contact with Congress

DO:PCS: [ ] 12 April 1988

DISTRIBUTION:

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OCA 87-6153  
23 December 1987

NOTE FOR: See Distribution

FROM: David D. Gries *DD*  
Director of Congressional Affairs

SUBJECT: Guidelines for Contact with Congress

As you are aware, the Office of Congressional Affairs has produced a paper entitled "Guidelines for Contact with Congress." Your office last saw the Guidelines in October when they were sent around for coordination. The Director has officially approved the Guidelines and sent copies to the Senate and House Intelligence Committees. He has asked me to distribute the Guidelines to you. Please note that the Guidelines, though unclassified, are marked Official Use Only.

Attachment

Distribution:

- 1 - DDCI
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GUIDELINES FOR CONTACTS WITH CONGRESS

As a CIA official in contact with the Congress, you will be called upon to ensure that our obligation is met to present information which is both candid and complete. In meeting this obligation, you are fulfilling our compact with the Congress to provide needed information, while ensuring that the responsibility of the Director of Central Intelligence to protect intelligence sources and methods is met and that Agency guidelines are respected. The Agency by law is obliged to keep the intelligence oversight committees fully and currently informed of all intelligence activities, including any significant anticipated intelligence activities.

Speaking before the Eighth Circuit Judicial Conference in Colorado Springs on 18 July 1987, the Director of Central Intelligence commented on relations with Congress as follows:

In our relationship with the Congress, I believe it is important for us to recognize that it must be one of truth and not of deception. There is so much confusion about deniability and deception coming over the television tubes that I think that it's important to make one legitimate distinction. In covert activity there is often deception to conceal the source of the activity in order to influence through means that we believe to be appropriate but which must necessarily be covert. But in dealing with the Congress there is absolutely no excuse for deception. There will be occasions, I believe--and I told the Congress this in my testimony--when I did not believe that I was in a position to respond to a particular question, particularly if it were one in open session. But I believe it is possible to tell the Members of Congress--and I have done so on occasion--that I am not at liberty to answer the question, that I have an answer but I cannot give it. That is a lot different than trying to answer the question narrowly when I know what the Congress wants to hear from me, and pretending that they have failed to ask the question accurately enough.

The gist of the Agency's approach to Congressional testimony and briefings can be summed up in the four C's: Candor, Correction, Completeness and Consistency. Each of them is important and should be kept in mind when appearing before Congress.

--Candor. Both during and after formal testimony, briefings, or other contacts with Congress, it remains the responsibility of the Agency official to ensure that the information presented to Congress is to the best of our knowledge true and accurate. If there is uncertainty as to the correct facts in a particular case, the official should so state candidly with a pledge to report the full and correct facts as soon as possible.

--Corrections. If the official has supplied incorrect information or omitted needed information, he or she is obligated to correct the record. There are a number of methods available for correcting the record including submission of supplementary information either orally or in writing, or in cases where official testimony has been given, correction of the official transcript or requests to testify again on the same subject.

--Completeness. It is not enough that testimony be accurate; it must also be complete. Agency officials should not respond to a question with the narrowest possible answer. Instead, keeping in mind the protection of sources and methods and other issues identified in these guidelines, Agency officials should be forthcoming in responding to a question and should attempt to answer it with an informative, complete answer. The Agency's collective credibility suffers if the Congress believes that it "will not get the right answer if it does not ask the right question."

--Consistency. Established principles or guidelines, not ad hoc arrangements, should govern the Agency's response to Congress. When questions from Members or staff raise potential issues under these established guidelines, the Agency official should identify rather than obscure the points in dispute. The Director expects that all Agency officials will respond to questions from Congress in a manner consistent with the guidelines given below.

A final note on the four C's. They apply to all communications with the Congress. Whether the setting is a formal hearing or an informal briefing with the staff, the four C's should guide your responses. They cover opening statements and written correspondence. And, finally, they apply whether or not the official is placed under oath. They are an important part of maintaining the Agency's primary asset with the Congress--its credibility.

The following set of guidelines has been prepared to assist Agency officials in contacts with the Congress. Like the four C's, the guidelines apply to formal testimony before a specific committee, briefings for individual Members or staff, requests for written responses and more casual contact. This guidance is not intended to anticipate every possible situation that might arise. Officers from the Office of Congressional Affairs, who accompany Agency officials during most contacts with Congress, will provide additional guidance as needed. The terms "intelligence oversight committees" and "oversight committees" used in these guidelines refer to the House and Senate Intelligence Committees and the House and Senate Appropriations Defense Subcommittees.



### OBLIGATIONS OF SUPPORTING BRIEFERS

Each Agency official has the primary responsibility for ensuring that his or her testimony or briefing is truthful and accurate. Although not actually speaking, supporting officials should assist the principal spokesman in avoiding misstatements, mistakes and gaps. Such assistance may be provided by passing messages in an unobtrusive fashion to the principal spokesman or privately conferring during breaks in the proceedings or after the proceedings. Supporting officials should respond to questions that are either posed directly to them or referred by the principal spokesman in accordance with these guidelines.

### ANALYTICAL VERSUS OPERATIONAL INFORMATION

There is a clear distinction between analytical information provided by analysts and operational information provided by operations officers. While analytical information is generally provided to any committee or Member of the Congress with a legitimate reason for requesting information, operational information such as electronic surveillance, counterintelligence, collection and undisclosed participation is provided only to oversight committees.

If analysts are pressed for operational information during a briefing before non-oversight committees, they should point out that such discussions are handled under guidelines established for dealings with the oversight committees. If necessary, an Office of Congressional Affairs representative will intervene to ensure that these ground rules are observed.

For their part, operations officers should avoid portraying their views as representing the Agency's analytical judgments. When asked for such assessments, operations officers should indicate that the Office of Congressional Affairs will be happy to set up an appropriate briefing on the analytical questions being asked.

### POLICY ANALYSIS VERSUS POLICY PRESCRIPTION

Agency officials should not comment directly on the merits of U.S. foreign policy and should attempt to avoid, where possible, offering personal opinions on whether such policy will work. They may discuss variables to consider in maximizing

policy outcomes. They may outline possible policy alternatives and assess factors affecting the likelihood of achieving policy goals. They may also discuss how foreign governments might react to various U.S. actions.

### MULTIPLE AGENCY APPEARANCES

Policy agencies enunciate policy; intelligence agencies provide analysis. We make every effort to avoid scheduling intelligence briefings jointly with policy briefings. Normally an Agency--or Intelligence Community--briefing will precede committee discussions with State or Defense policy officials and the intelligence briefers will depart, if possible, before the policy briefing begins. The Office of Congressional Affairs has the responsibility for ensuring that, where possible, Agency briefers are not pitted against policy briefers. Differences of views among intelligence briefers, however, should be clearly explained. Note: Covert action briefings before oversight committees are an exception. In this case, officials from policy agencies are normally present to discuss the reasons for the covert action while the Agency briefers discuss implementation of the policy.

### THIRD AGENCY RULE

Agency officials should not provide documents from other agencies or discuss the analytical products of other agencies unless: (a) such documents and products are already published and available to the Congress; or (b) the originating agency has given prior approval.

### BRIEFINGS ON PARTISAN OR CONTROVERSIAL ISSUES

Officials should exercise caution in giving classified briefings on subjects that are a current matter of partisan dispute, especially when a vote is about to take place in the Congress or the Member being briefed has scheduled a press appearance on the issue. It remains the responsibility of the Office of Congressional Affairs to apprise briefers when such factors exist.

### COMMITTEE ACCESS TO INSPECTOR GENERAL REPORTS

As a general matter, the Agency does not provide to Congress copies of reports prepared by the Office of Inspector General on the grounds that these are internal management documents generated solely for the Director of Central Intelligence. Confidentiality is an essential aspect of the Inspector General's function and must be maintained. Employees and others are encouraged to consult with the Inspector General, especially on suspected illegal or unethical activities, and their identities must be protected to the extent possible.

The Director of Central Intelligence may grant limited exceptions to this rule on occasions when the Inspector General has conducted a special investigation into allegations of possible illegal or improper conduct by Agency personnel in areas of particular Congressional interest. On such occasions, access is limited to Members or selected staff of the intelligence oversight committees, or special investigative committees. Requests for Inspector General reports must be made in writing by the Chairman of an oversight or special investigative committee. No Agency witness should promise access to an Inspector General report unless he or she has been authorized to do so by the Director of Central Intelligence.

### REVIEW OF AGENCY PERSONNEL, SECURITY AND MEDICAL RECORDS

The Agency generally will make available personnel and security records of current and former Agency employees only when there is a credible allegation of improper or illegal intelligence activities or when the records are being sought pursuant to a Congressional investigation. In those instances, the records will be made available only to the oversight committees or special investigative committees. Requests for

such records must be made in a letter from the oversight Member requesting a record review. The Agency will consider the release of medical records on a case-by-case basis, but only to a physician designated and authorized by the employee. A physician from the Office of Medical Services will, however, brief the medical history of an employee to an appropriate representative of an oversight or special investigative committee.

All such requests must be approved by the Director of Congressional Affairs or higher authority. Since dissemination to oversight committees of information concerning employees or former employees in connection with an illegal or improper intelligence activity on behalf of the Agency is consistent with the Privacy Act and Executive 12333, it will not be necessary to obtain permission of employees for the staff of these committees to review relevant records.

In situations where there is no allegation of improper or illegal intelligence activities, the Agency will make available personnel records to the oversight committees only where there is a serious and credible allegation of personnel mismanagement. Requests for personnel records must be made in a letter from an oversight committee Member requesting a record review. The letter must be accompanied by a properly executed Privacy Act waiver from the employee.

All such requests must be approved by the Director of Congressional Affairs or higher authority. An authorized staff member may review the records for the committee Member, provided he or she is identified by name in the requesting letter. The Agency will not permit the examination of either security or medical files where there is no allegation of improper or illegal intelligence activities. Where circumstances warrant, the Agency is willing to brief on the contents of the security file.

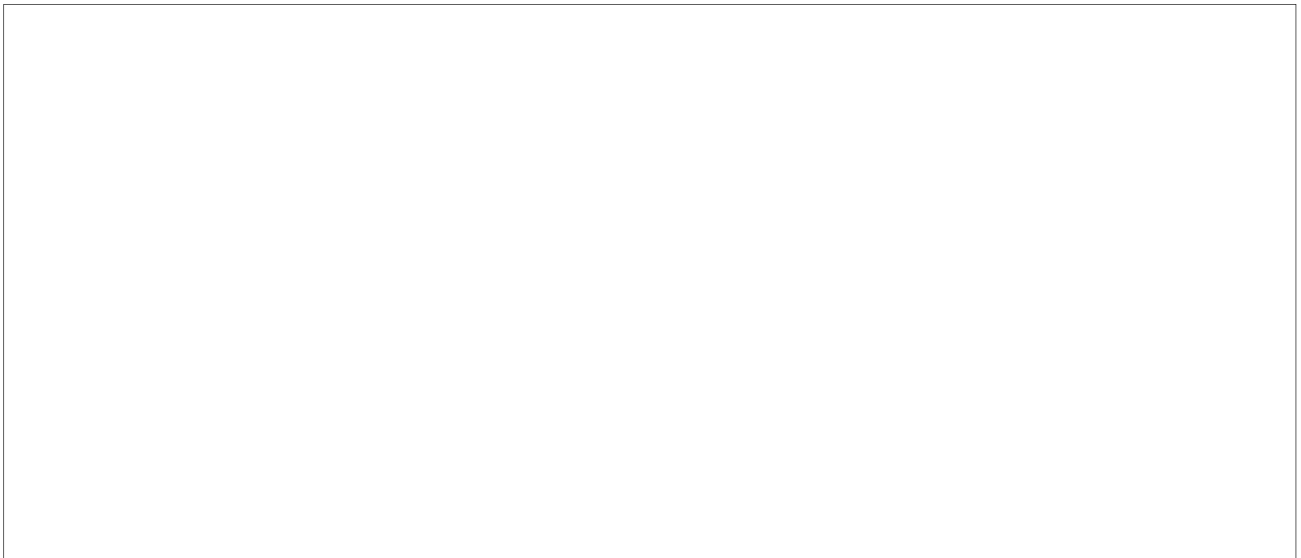
#### SOURCES AND METHODS

Sources are readily described to oversight committees in general terms--human sources, signals intelligence, imagery, liaison, to name the most common ones. Methods are also described to oversight committees in general terms--surveillance, technical collection, photography, to name a few general methods that may be mentioned. Agency officials should not discuss the specific sources of intelligence and the specific methods used in collecting intelligence, except in unusual circumstances and with advance approval. Such exceptions generally involve cases where there is credible evidence of illegal or improper activities. During budget hearings or budget briefings, it will be necessary to provide the details on the capabilities of some technical collection systems. In these cases the disclosure of such information will be reviewed before testimony takes place, if time allows.

Sources and methods ordinarily are not discussed with committees or Members that do not have oversight responsibilities.

Agency officials should provide generic descriptions of liaison relationships with foreign intelligence services to oversight committees so long as identities and details are protected. Officials should not disclose the identity of or details about specific liaison relationships unless required by law or unless special circumstances exist, such as credible evidence that a liaison service is involved in illegal or improper intelligence activity as part of its cooperation with the Agency. Since a foreign liaison service is considered a source, the guideline on sources and methods applies to such contacts.

In such special circumstances, the oversight committees will be made privy to specific information. Prior approval of the Deputy Director for Operations and the Director of Congressional Affairs is required. Foreign liaison activities ordinarily are not discussed with Members or committees that do not have oversight responsibilities.



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#### UNEVALUATED VERSUS FINISHED INTELLIGENCE

The Agency readily provides finished intelligence to Congress under appropriate controls. The Agency does not provide unevaluated intelligence to the Congress except in instances where there are credible allegations of wrongdoing or where the Congress has initiated investigations of Agency performance. Only the Director of Congressional Affairs or higher authority can approve provision of unevaluated intelligence to Congress. Requests for unevaluated intelligence should be deferred to him. Unevaluated intelligence reports are sometimes also called field information reports or raw reports.

INTELLIGENCE COLLECTION ACTIVITIES

The Agency has a statutory obligation to keep the oversight committees fully and currently informed of all intelligence activities. In addition, the Agency has specifically agreed with respect to collection activities conducted under the authority of Executive Order 12333 to provide information related to specific collection techniques. Agency officials should work closely with the Office of Congressional Affairs in providing such information.

IDENTITIES OF AGENCY EMPLOYEES UNDER COVER

No Agency employee serving under cover should misrepresent the true nature of his or her employment status or the employment status of other persons affiliated with the Agency either when appearing before a committee or in any direct, non-social contacts with a Member of Congress. Any employee who believes he or she may be put in such a situation should contact the Office of Congressional Affairs as soon as possible.

Generally speaking, however, Agency officials should not provide the names of Agency employees serving under cover, especially to a non-oversight committee. An exception to this practice concerns allegations of illegal or improper intelligence activities. Such questions should be referred to the Office of Congressional Affairs. In the case of the oversight committees, those serving at the level of Directorate of Operations Division Chief and above are routinely acknowledged. Below that level, they are handled on a case-by-case basis in consultation with the Office of Congressional Affairs.

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REQUESTS FOR HEARINGS AND BRIEFINGS

Requests for appearances at hearings should be submitted in writing. Requests for briefings may be submitted orally only when circumstances demonstrate that a written request may not be feasible or desirable. All such requests must be directed to the Office of Congressional Affairs and may not be handled directly by any other Agency officer, except on resource matters which are the responsibility of the Comptroller's office.

There are instances in which Agency analysts may wish to obtain from Members or staffers who have recently traveled abroad information about conditions in foreign countries and impressions about the political leadership. Where appropriate, the Office of Congressional Affairs will approach the Member or staffer and ask that they meet with country analysts to review their trip. If such information is eventually used in Agency analysis, the source of the information will not be identified.

#### TRANSCRIPTS

With some exceptions, Agency officials should not agree to the taking of transcripts unless Members of the Congress are present at a committee briefing or hearing. Briefers should not consent to the taking of transcripts during staff briefings without the prior approval of the Office of Congressional Affairs.

#### PROVISION OF DOCUMENTS

Agency officials should recognize that any documents they mention will probably be the subject of a request, particularly those they take to the Hill to use in making their presentations. When Congressional Members or staff make such requests, the Office of Congressional Affairs should be consulted. The House and Senate Intelligence Committees routinely receive all finished hard-cover intelligence; the Appropriations, Armed Services, and Foreign Affairs Committees receive a weekly index of finished intelligence publications from which they order. Only the Intelligence and Appropriations Committees are automatically cleared for CIA-ORCON material.

#### TASKING BY CONGRESS

The Agency will readily answer appropriate written or oral questions submitted by the Congress. Briefers should avoid, however, unilaterally accepting tasking that entails additional areas of research and subsequent publication of results. This caveat applies with equal vigor to operational taskings: briefers should avoid unilaterally accepting tasking that entails collection by field stations. Any such tasking should be referred to the Office of Congressional Affairs.



The Agency does not ordinarily provide briefings or publications of a classification higher than Top Secret to personal staff. Such material may be provided only to Congressmen or committee staff members who possess appropriate clearances.

#### DIRECT CONTACTS WITH CONGRESS

Per Agency regulation, all Agency contacts with the Congress are handled in coordination with the Office of Congressional Affairs. Requests for further contact or servicing of specific requirements arising from sanctioned meetings, except those on resource-related matters, should be directed to the Office of Congressional Affairs. The Office of the Comptroller is responsible for Congressional requirements on Agency resource matters. Any attempts by Congressional staffers to contact Agency officers directly on official business should be politely referred to the Office of Congressional Affairs. The reason for this regulation is to ensure that Congressional contacts are coordinated. Also, it ensures that staffers have appropriate clearances and that information is provided under appropriate security conditions.